

## **REMARKS**

Claims 1-20 are pending in the application. Claims 7 and 10-19 have been rejected. Claims 1-6 and 20 have been withdrawn. Claims 12 and 17 have been amended.

### ***35 U.S.C. §112 Rejections:***

Claim 12 and 17 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has indicated that claim 12 is missing a period at the end and that claim 17 depends on itself. Applicants have amended claim 12 by inserting a period (.) at the end of the claim and claim 17 has been amended to be dependent from claim 15. Withdrawal of the rejection is respectfully requested.

### ***35 U.S.C. §102/103 Rejections:***

Claims 7 and 10-13 have been rejected under 35 U.S.C. 102(b) as being anticipated by Nachtkamp (U.S. 4,608,413). The Examiner contends that Nachtkamp discloses coating compositions comprising water dispersible aliphatic polyester polyurethanes and water dispersible aliphatic polyether polyurethanes (referring to example 1) at about 1/1 weight ratio of these two components. The Examiner has stated that in line 41 of cols. 7 and 8, Nachtkamp discloses preparing these two components in the melt.

Applicant respectfully disagrees with the Examiner's contention. Nachtkamp is directed to the pigmentation of aqueous stoving lacquers. Stoving lacquers are heat-hardenable coatings that are coated onto heat-resistant substrates, in particular on metals. The stoving lacquers have good gloss, a high degree of hardness and outstanding corrosion prevention. (See column 10, lines 32-40.) Nachtkamp discloses an aqueous stoving lacquer that overcomes the poor pigmenting ability of prior aqueous stoving lacquers. Prior aqueous lacquers had deteriorating properties, such as gloss, elongation, impact elasticity,

adhesion and corrosion prevention, as the pigment content of the lacquer increased. (See column 1, lines 26-33.) The stoving lacquer of Example 1, relied upon by the Examiner, was applied to a degreased steel sheet and stoved for 30 minutes at 180°C to produce a 35 µm thick coating having a 60° gloss of 90 and a pendulum hardness of 143 sec. (See table at column 12.)

The present invention is not directed to a stoving lacquer. Rather, Applicant claims an aqueous dye receiving coating composition. The dye receiving coating composition is coated onto a suitable sheet material, for example, synthetic paper, wood free paper, art paper, coat paper, cast coat paper, wall paper, lining paper, cellulose fiber paper, and plastic films or sheets. The coated substrate receives a printed image. Because Nachtkamp does not disclose a dye receiving coating composition, the rejection is unsupported. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 7 and 10-13 under 35 U.S.C. §102(b).

Claims 14-17 and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/39224 to Kinoshita and using equivalent 6,770,373 in the rejection. The Examiner contends that Kinoshita discloses coating compositions comprising water dispersible polyether polyurethanes (see Table 1-1), silica (Table 1-3), saponified wax (top col. 7) and aziridine crosslinkers (col. 5, line 60). The Examiner has stated that although Kinoshita does not specify aliphatic polyisocyanates in the polyurethanes, there are basically only aliphatic or aromatic polyisocyanates. The Examiner has further stated that the wax dispersion would be anionic because the polyurethane has alkali added to neutralize it (col. 4, line 61).

Applicant respectfully disagrees with the Examiner's contention. Kinoshita is directed to a metal surface treatment composition for forming a lubricating film having excellent marring resistance. The composition is coated on galvanized steel sheets that are subjected to press molding or other forming operations such as those used in the automotive industry. The metal surface coating has the high lubricity and mar resistance necessary for withstanding intense metal forming

such as pressing forming, as well as corrosion resistance. Kinoshita does not disclose, teach or suggest a dye receiving coating composition. Furthermore, Kinoshita does not disclose an aliphatic polyether-polyurethane or an anionic emulsion of wax. Applicant respectfully submits that the rejection of claims 14-17 and 19 under 35 U.S.C. §102(b) is unsupported and therefore should be withdrawn.

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita. The Examiner contends that Kinoshita discloses the coating composition of the claims, but does not show diethylaminoethanol for neutralizing the dispersion. The Examiner has stated that Kinoshita discloses a list of alkanolamines (col. 4, lines 16-19), amines (col. 4, line 60) and other alkalis (col. 4, line 61). The Examiner further contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use diethylaminoethanol in the dispersion of Kinoshita because it's similar in structure to the neutralizing agents shown by Kinoshita.

Applicant respectfully disagrees with the Examiner's contention. As discussed above, Kinoshita does not disclose an aqueous dye receiving coating composition. Furthermore, Kinoshita does not disclose an aliphatic polyether-polyurethane or an anionic emulsion of wax. It could not have been obvious, based on the disclosure of Kinoshita, to use an anionic emulsion of wax comprising 2-diethylaminoethanol since Kinoshita does not even disclose the use of an anionic emulsion of wax. Applicant respectfully requests the withdrawal of the rejection of claim 18 under 35 U.S.C. §103(a).

Claims 8 and 9 have been objected to for depending upon a rejected claim. Applicant presumes claims 8 and 9 will be allowed upon allowance of claim 7, from which they depend.

### **CONCLUSION**

In view of the foregoing amendment and remarks, Applicants respectfully request reconsideration and a timely issuance of a notice of allowance for claims 7-19.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **AVERP3525USB**.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By: /Heidi A. Boehlefeld/  
Heidi A. Boehlefeld  
Reg. No. 34,296

1621 Euclid Avenue  
19<sup>th</sup> Floor  
Cleveland, Ohio 44115-2191  
(216) 621-1113